



West Virginia Senate

Committee on Judiciary

Minutes for FEBRUARY 13, 2021, 10:30 AM

Pursuant to the call of the Chair, the Senate Committee on Judiciary met on February 13, 2021, 10:30 AM in Room 308-W.

Members present: Senators Trump, Weld, Azinger, Grady, Karnes, Maynard, Phillips, Rucker, Smith, Stover, Takubo, Woodrum, Beach, Caputo, Lindsay, Romano, Woelfel

Members absent: None

A silent roll call being taken, the presence of a quorum was established.

On motion of Senator Weld, the minutes of the previous meeting were approved.

S. B. 3 - Relating to COVID Liability.

Mark Dean, Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

Senator Woelfel moved to amend the committee substitute on page 3, section 3 (1) after "Arising from COVID-19" to strike the remainder of the paragraph and substituting "means an act from which an injury results as a natural, direct, uninterrupted consequence of the actual, alleged, or possible exposure to or contraction of COVID-19, or an act solely caused by or resulting from services, treatment, or other actions in response to COVID-19, and without which in the injury would not have occurred, including, but not limited to:"

On motion of Senator Weld, the committee recessed.

The committee reconvened.

Unanimous consent being granted Senator Woelfel withdrew the amendment.

On motion of Senator Woelfel, committee amended the committee substitute on page 3, section 3 (1) after "Arising from COVID-19" to strike the remainder of the paragraph and substituting "means any act from which loss, damage, physical injury, or death is caused by a

natural, direct, and uninterrupted consequence of the actual, alleged, or possible exposure to or contraction of COVID-19, including services, treatment, or other actions in response to COVID-19, and without which such loss, damage, physical injury, or death would not have occurred, including but not limited to:”.

On motion of Senator Weld, the committee amended the committee substitute with staff suggested technical amendment on page 6, section 4, line 1 after the word “contrary” and adding the words “except as provided by this article,”.

On motion of Senator Karnes, the committee amended the committee substitute on page 1, Section 2 (a)(1) on line 3 by removing “the World Health Organization”.

Senator Caputo moved to amend the committee substitute on page 7 by removing Section 6 entitled “Workers Compensation” in its entirety and renumber the remaining sections.

Unanimous consent being granted, Senator Caputo withdrew his amendment.

On motion by Senator Lindsay the committee amended the committee substitute on page 5, line 55 by removing the words “may have been” and “by” after the word impacted.

On motion of Senator Weld, the committee agreed to the committee substitute, as amended.

On motion of Senator Weld, the committee reported the committee substitute as amended to the full Senate with the recommendation that it do pass.

On Motion of Senator Weld the committee adjourned.



Charles S. Trump IV
Chair



Beverly Douglas
Clerk/Analyst